

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DIATEK LICENSING LLC,

Plaintiff,

v.

ACCUWEATHER, INC.,

Defendant.

Case No. 1:21-cv-11144-JPC

**NOTICE OF DEFENDANT ACCUWEATHER, INC.'S MOTION TO DISMISS FOR
LACK OF PATENTABLE SUBJECT MATTER PURSUANT TO 35 U.S.C. § 101**

Pursuant to S.D.N.Y. Local Rule 7.1 and this Court's June 27, 2022 Order granting Defendant AccuWeather, Inc.'s ("AccuWeather") pre-motion letter request, AccuWeather respectfully moves this Court to dismiss Plaintiff Diatek Licensing LLC's ("Plaintiff") First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and 35 U.S.C. § 101 for lack of patentable subject matter, and for such other and further relief as the Court deems just, necessary, and proper.

The grounds for this Motion are further set forth in AccuWeather's Memorandum of Law in Support of its Motion to Dismiss for Lack of Patentable Subject Matter Pursuant to 35 U.S.C. § 101, and all other pleadings and proceedings had herein.

Dated: July 11, 2022

Respectfully submitted,

/s/ Joseph M. Drayton

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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on July 11, 2022.

/s/ Joseph M. Drayton

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